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Congress of the United States

House of Representatives

December 16, 2009

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

2061

Dear Chairman Genachowski:

I am writing to thank you for your informative letter regarding my initial November 25, 2009, correspondence regarding the notification filed with the Federal Communication Commission (FCC) by PMCM TV, and also for your offer to be of further assistance on this important pending matter.

As I am sure you realize, there have been long-running concerns in my state regarding the lack of a VHF television station, the largest state in the nation to lack such a broadcast facility. Fortunately, this lingering New Jersey issue can be resolved with the approval of PMCM's FCC notification.

As mentioned in my earlier letter, Section 331 of the Communications Act, which ensures that at least one such VHF channel shall be allocated to states like New Jersey, is designed to address and solve this problem. Therefore, I was pleased to learn of the current efforts the FCC is undertaking in regard to Section 331 and the FCC's interest in making New Jersey VHF television a reality.

Regarding the present "technical studies" being undertaken by the FCC to provide for a VHF television station in New Jersey, I would like to recommend a meeting of all stakeholders involved with the technical aspect of PMCM's notification, including any current objectors. I have found that personal meetings of this type have often helped facilitate and quicken decisions when several-parties with varying perspectives are involved.

Therefore, it is my hope that a meeting involving you or any designate of your choice, PMCM TV technical engineers, and all other interested parties can be convened at your earliest convenience so that this issue, so important to New Jersey, can quickly be resolved.

COMMITTEES:

FOREIGN AFFAIRS

**AFRICA AND GLOBAL HEALTH
SUBCOMMITTEE**
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SUBCOMMITTEE**

**COMMISSION ON SECURITY AND
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**CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA**
RANKING MEMBER

DEAN, NEW JERSEY DELEGATION

Please do not hesitate to contact me or David Kush of my staff at 202-225-3765 if you have any further questions. And again, thank you for your prompt response to my earlier letter and the FCC's diligent review of the application filed by PMCM TV.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Smith', written over the word 'Sincerely,'.

CHRISTOPHER H. SMITH
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

March 3, 2010

The Honorable Christopher H. Smith
U.S. House of Representatives
2373 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your follow-up letter regarding the application filed with the Commission by PMCM TV. I appreciate this opportunity to update you on the Commission's efforts to bring additional broadcast television service to New Jersey. I understand the importance of the issue to you and your constituents, as access to local news and information is vital to communities.

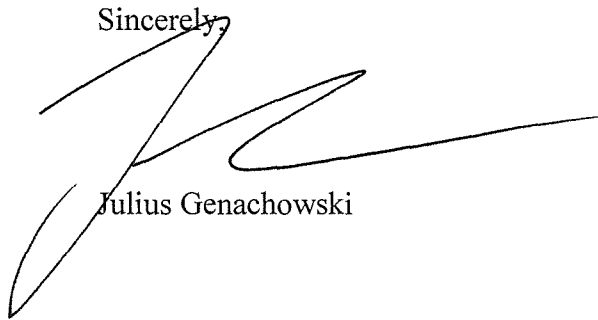
On December 18, 2009, the Commission's Media Bureau denied a request by PMCM TV, LLC to move its existing VHF television station in Ely, Nevada to Middletown Township, New Jersey, without any opportunity for Commission review of the relocation. After careful consideration of the applicable law and administrative record, the Media Bureau concluded that the reallocation procedure established in the second sentence of Section 331(a) of the Communications Act, on which PMCM TV relied, applies only to reallocation of a channel from one community in a viewing area to another community in the same viewing area, and thus does not allow PMCM to bypass the Commission's channel-allocation procedures. At the same time, pursuant to the instruction in Section 331(a) to allot at least one VHF channel to each State when technically feasible, the Bureau initiated a rulemaking proceeding to allot a VHF channel to Atlantic City, New Jersey. I am enclosing copies of the Bureau's decision and the *Notice of Proposed Rulemaking* for your information.

The pending allotment proceeding seeks to achieve the intent of Congress under Sections 307(b), 309(a) and 331 of the Communications Act by providing all interested parties a chance to participate in the allocation process with the ultimate goal of establishing a new VHF broadcast service for the citizens of New Jersey. Comments on the Bureau's allocation proposal were due on January 29, 2010, with reply comments due by February 16, 2010. The Media Bureau is reviewing the record and will issue a decision on the proposed new VHF allotment, which could allow a subsequent Public Notice announcing a filing window for new applications. Commission staff will keep your office updated on the filings and status of this proceeding.

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I appreciate your continuing interest in this important matter. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, consisting of a series of fluid, connected strokes. The signature is positioned above the printed name Julius Genachowski.

Julius Genachowski

Enclosures